

**MINUTES OF THE MEETING OF THE
BOARD OF PSYCHOLOGY**
January 19, 2018

These minutes were
approved by the Board
on March 16, 2018

1. ROLL CALL and CALL MEETING TO ORDER

The meeting of the Board of Psychology was called to order by the Vice-Chair, Stephanie Bruhn, at 10:05 a.m. in Licensure Unit Conference Room LU1, State Office Building, Lincoln, Nebraska. Copies of the agenda were mailed to the Board members and other interested parties in accordance with the Open Meetings Law. The following members answered the roll call:

MEMBERS PRESENT	BOARD REPRESENTATION
Stephanie Bruhn, PhD Mark Lukin, PhD Jerry Van Winkle, PsyD Stacy Waldron, PhD	Vice-Chair Member Secretary Member
MEMBERS ABSENT	
Karen Billingsley Jennifer Dreibelbis Mary Fran Flood, PhD	Member Member (arrived 10:25 a.m.) Member
OTHERS PRESENT	AGENCY REPRESENTATION
Kris Chiles Nancy Herdman Mindy Lester Anna Harrison	Licensure Unit Licensure Unit Attorney General's Office Compliance Monitor

A quorum was present and the meeting convened.

2. ADOPTION OF AGENDA

MOTION: Waldron moved, seconded by Van Winkle, to adopt the agenda. A roll call vote was taken. Voting aye: Bruhn, Lukin, Van Winkle, Waldron (4). Voting nay: None (0). Absent: Billingsley, Dreibelbis, Flood (3). Motion carried.

3. APPROVAL OF MINUTES (11-17-17)

MOTION: Van Winkle moved, seconded by Waldron to approve the minutes of 11-17-17. A roll call vote was taken. Voting aye: Bruhn, Van Winkle, Waldron (3). Voting nay: None (0). Abstain: Lukin (1). Absent: Billingsley, Dreibelbis, Flood (3). Motion carried.

**4. INVESTIGATIVE REPORTS AND CONFIDENTIAL INFORMATION RELATING TO
APPLICATIONS – CLOSED SESSION**

MOTION: Van Winkle moved, seconded by Waldron, to enter into closed session at 10:08 a.m. Van Winkle announced that the purpose was to hear discussions of an investigative/confidential nature and for the prevention of needless injury to the reputation of the individuals. Bruhn repeated the motion purpose. A roll call vote was taken. Voting aye: Bruhn, Lukin, Van Winkle, Waldron (4). Voting nay: None (0). Absent: Billingsley, Dreibelbis, Flood (3). Motion carried.

10: 25 a.m. - Dreibelbis entered meeting
11:35 a.m. - Harrison departed meeting

MOTION: Dreibelbis moved, seconded by Van Winkle, to enter into open session at 11:43 a.m. A roll call vote was taken. Voting aye: Bruhn, Dreibelbis, Lukin, Van Winkle, Waldron (5). Voting nay: None (0). Absent: Billingsley, Flood (2). Motion carried.

11:43 a.m. - Break
11:50 a.m. - Meeting resumed

Moved to agenda item 6.

6. PRIOR BUSINESS

- Status of Meeting With Members of the Board of Mental Health Practice Regarding the Definition of Major Mental Disorder

Waldron reported that she met with Susan Feyen from the Board of Mental Health Practice. It was discussed that for mental health practice, practitioners become stuck on considering the 7 disorders listed in their regulations as being the only major mental disorders. They reviewed the Oklahoma definition of serious mental illness and Feyen stated she liked the psychology mental and emotional disorder definition. The Psychology Board supported Waldron continuing to work with the mental health board representatives to come up with a major mental disorder definition that could be used in both professions' regulations.

11:55 a.m. - Lester departed the meeting

Moved to agenda item 7.

7. WEBINAR: TELEPSYCH AND THE PSYPACT INTERSTATE COMPACT

Dan Ullman introduced the webinar and introduced Oliver VanDervoot, Legislative Aide to Senator Blood. Senator Blood introduced LB 686 regarding the PSYPACT. VanDervoot gave a brief presentation on the PSYPACT and then Alex M. Segel, J.D., PhD, Director of Professional Affairs of ASPPB spoke on the PSYPACT. Segel explained that the PSYPACT was a cooperative agreement by participating states to authorize telepsychology and 30 working days per year of temporary in-person face-to-face practice of psychology across state lines in PSYPACT states. ASPPB defines telepsychology "as the provision of psychology services using telecommunication techniques." Segel discussed some of the issues in determining what state laws apply in terms of duty to warn, duty to report and record keeping.

Some of the advantages of the PSYPACT provided were:

- Access to professional with expertise.
- Combining face-to-face with remote.
- More frequent therapeutic contacts.

Some disadvantages of the PSYPACT provided were:

- Presenting problem not appropriate for telepsychology.
- Some clients are less appropriate
- Capacity for crisis intervention is diminished.
- Misunderstandings may arise due to lack of non-verbal cues.

Why the PSYPACT:

- Effective means of addressing common problem.
- Economies of scale.
- Responds to national priorities.
- Retains collective state control over issues belong to the states.

Once 7 states join, a Commission will be formed and the Commission will develop the rules and regulations to implement the compact. An E.Passport will be issued for the telepsychology and an IPC (Interjurisdictional Practice Certificate) will be issued for the 30 working day per year face-to-face practice. A question was asked about the cost of the E.Passport and the response was that would be set by the Commission but it was estimated to be \$200-400. Eight states have endorsed the PSYPACT and Arizona, Utah and Nevada have joined.

12:40 p.m. - Dreibelbis departed the meeting

12:50 p.m. - Dreibelbis entered the meeting

It was discussed that if LB 686 passed in Nebraska, the Board would need to elect a PSYPACT representative.

1:00 p.m. - Lukin departed meeting

There was discussion on the difference between the home state and the receiving state regarding discipline under the PSYPACT.

1:04 p.m. - Lunkin entered meeting

The Board discussed that the E.Passport required annual renewal and 3 hours of continuing education relevant to the use of technology in psychology.

MOTION: Waldron moved, seconded by Van Winkle, to support LB 686. A roll call vote was taken. Voting aye: Bruhn, Dreibelbis, Lukin, Van Winkle, Waldron (5). Voting nay: None (0). Absent: Billingsley, Flood (2). Motion carried.

Waldron will write a letter for the chair's signature.

Moved to agenda item 5.

5. REVIEW AND RECOMMENDATIONS – OPEN SESSION

a. Applications, Education and Reinstatements

Chiles reported that Jacqueline Farris, provisional psychology applicant who at the November meeting the Board recommended denial, had submitted additional information for the Board to review (provided to the members prior to the meeting).

Jacqueline Farris – Provisional Psychology Applicant

MOTION: Waldron moved, seconded by Van Winkle, to affirm the initial denial. A roll call vote was taken. Voting aye: Bruhn, Dreibelbis, Lukin, Van Winkle, Waldron (5). Voting nay: None (0). Absent: Billingsley, Flood (2). Motion carried.

Bruhn reported that she had reviewed three APA internship equivalencies: Sean Sears, Tyler Newton, Megan Ford. The programs appeared to be okay but the Department will do some follow-up with the applicants.

6. PRIOR BUSINESS

- Executive Order #17-04

Chiles reported that she had not received any direction on next steps following the review required by the Executive Order which suspended all rulemaking until 12-31-17. Chiles suggested the Board continue to work on their regulations.

Chiles reported that Dr. Williams indicated that he plans to meet with the chair of the Board.

Moved to agenda item 8.

8. NEW BUSINESS

a. Correspondence

- Association of State and Provincial Psychology Boards

There was no report.

- American Psychological Association

There was no report.

- Nebraska Psychological Association

There was no report.

b. Approval of Method of Noticing Meeting Agendas

84-1411. (1) Each public body shall give reasonable advance publicized notice of the time and place of each meeting by a method designated by each public body and recorded in its minutes.

Chiles reported that currently meeting agendas are placed on the Department website, posted in the lobby of the Licensure Unit, and provided to anyone who requests a copy.

MOTION: Van Winkle moved, seconded by Waldron, to continue with the same method of noticing meeting agendas. A roll call vote was taken. Voting aye: Bruhn, Dreibelbis, Lukin, Van Winkle, Waldron (5). Voting nay: None (0). Absent: Billingsley, Flood (2). Motion carried.

9. UPDATES/REPORTS

- 2018 Legislative Session

Chiles reported the legislative session began 1-3-18, was 60 days long and the ending date was 4-18-18. She said the 10 days to introduce bills had ended. Chiles presented information on the following legislative bills:

LB 891 – A bill relating to the Psychology Practice Act. Proposed wording under Section 2 reads “and, pursuant to the code of conduct, not discriminate against a client or patient or a prospective client or patient on the basis of age, gender, gender identity, race, ethnicity, culture, national origin, religion, sexual orientation, disability, or socioeconomic status.” Proposed wording for Section 3 reads “The Department of Health and Human Services shall not adopt and promulgate any rules and regulations or approve, implement, or enforce any policies, practices, or protocols which contradict, contravene, negate, or violate the code of conduct.”

MOTION: Waldron moved, seconded by Van Winkle, to support LB 891. A roll call vote was taken. Voting aye: Bruhn, Dreibelbis, Lukin, Van Winkle, Waldron (5). Voting nay: None (0). Absent: Billingsley, Flood (2). Motion carried.

LB 834 – A bill relating to the Uniform Credential Act. The bill proposes to waive licensing fees for:

“(3) Low-income individual means an individual enrolled in a state or federal public assistance program established pursuant to the Medical Assistance Act, the federal Supplemental Nutrition Assistance Program, or the federal Temporary Assistance for Needy Families program or whose household adjusted gross income is below one hundred thirty percent of the federal income poverty guidelines, or a higher threshold to be set by the licensure Unit of the Division of Public Health of the Department of Health and Human Services;

(4) Military families means active duty service members, honorably discharged veterans, spouses of active duty service members or honorably discharged veterans, and unremarried surviving spouses of deceased service members

(6) Young worker means an applicant under section 2 of this act who is between the ages of eighteen and twenty-five years.”;

LB 836 – A bill relating to the Uniform Credentialing Act and minors. The proposed language reads: “A psychologist licensed under the Psychology Practice Act may provide diagnostic testing, evaluation, and treatment for outpatient mental health, alcohol addiction, and drug addiction services to a minor without the consent or notification of a parent or guardian at the request of the minor if the psychologist determines that

the minor is knowingly and voluntarily seeking the services and provision of the services is clinically indicated for the minor's well-being and documented in the clinical record. The treatment may only continue for six sessions without parental consent or notification, unless the requirement of parental consent or notification would be seriously detrimental to the minor's well-being as documented in the minor's record."

LB 982 – Bill relating to age of majority. The proposed language reads: "and (2) eighteen years of age or older may consent to mental health services for himself or herself without the consent of his or her parent or guardian."

- Licensure and Examination Statistics / Administrative Penalties / Disciplinary and Non-Disciplinary Action Reports

Disciplinary actions in January 2017:

Andrew Huls – Probation 9-26-17 to 9-26-20
Christopher Sanders – Probation 6-7-17 to 10-24-17

Examination results for 2017:

Jurisprudence – 37 pass
EPPP – 20 pass, 12 fail

Statistics:

30 Days Temporary Practice – 5
Provisionally Licensed Psychologist – 35
Psychological Assistant – 104
Psychologist – 548
Psychologist Associate – 1
Special Psychologist – 6
Temporary Psychologist - 1

In 2017, 66 initial psychology type licenses were issued.

10. ELECTIONS AND APPOINTMENTS

a. Officers

MOTION: Van Winkle moved, seconded by Dreibelbis, to elect Bruhn as Chair. A roll call vote was taken. Voting aye: Bruhn, Dreibelbis, Lukin, Van Winkle, Waldron (5). Voting nay: None (0). Absent: Billingsley, Flood (2). Motion carried.

MOTION: Van Winkle moved, seconded by Lukin, to elect Waldron as Vice-Chair. A roll call vote was taken. Voting aye: Bruhn, Dreibelbis, Lukin, Van Winkle, Waldron (5). Voting nay: None (0). Absent: Billingsley, Flood (2). Motion carried.

MOTION: Waldron moved, seconded by Van Winkle, to elect Flood as Secretary. A roll call vote was taken. Voting aye: Bruhn, Dreibelbis, Lukin, Van Winkle, Waldron (5). Voting nay: None (0). Absent: Billingsley, Flood (2). Motion carried.

b. Investigative Consultant and ASPPB Representative

The following appointments were made:

Investigative consultant – Van Winkle
ASPPB Representative – Dreibelbis
Mentor for Lukin – Bruhn

APA equivalency reviewer – Waldron -1st; Lukin-2nd

11. ADJOURNMENT

There being no further business, Bruhn declared the meeting adjourned at 2:24 p.m.

Respectfully submitted,

Mary Fran Flood, PhD, Secretary
Board of Psychology

Summarized by: Nancy Herdman, Health Licensing Coordinator – Licensure Unit